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UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In Re:) Case No. BKS-10-33873-LBR
) Chapter 13
)
)
Riley L. Williams and Carol L.) Hearing Date: May 18, 2011
Williams,) Hearing Time: 1:30 PM
)
)
Debtors(s).)
_____)

DEBTORS' OPPOSITION TO MOTION FOR
RELIEF FROM AUTOMATIC STAY AND/OR REQUEST FOR RENOTICING
UNDER NRS 107.080 (AS REQUIRED UNDER NEVADA ASSEMBLY BILL 149
EFFECTIVE JULY 1, 2009)

COME NOW, Riley L. Williams and Carol L. Williams, by and through attorney, George Haines, Esq., of the LAW OFFICES OF HAINES & KRIEGER, LLC, and in response to **WELLS FARGO BANK NA's** ("Creditor") Motion for Relief from Automatic Stay states as follows:

1. On December 27, 2010, Debtors filed the current Chapter 13 Petition in Bankruptcy with the Court.
2. On or about April 14, 2011, Creditor filed a Motion for Relief from the Automatic Stay.

3. Debtors have disclosed that they are presently in a trial payment period for a loan modification with this Creditor.

4. Further, the underlying property is integral to the Debtors' Chapter 13 Plan and is necessary for an effective reorganization.

5. Accordingly, no cause exists under 11 U.S.C. Section 362(d) to lift the automatic stay.

6. Alternatively, the Court should either dismiss Creditor's motion or continue the instant motion for a sufficient time to allow Debtors and Creditor to complete the loan modification process.

7. In the event this Court is inclined to grant secured Creditor's request for relief from the automatic stay, the Debtors request that Your Honor require Secured Creditor to renotice any pending foreclosure action under NRS 107.080 (as revised by Nevada Assembly Bill 149, effective July 1, 2009) by this Creditor to the extent applicable.

8. Pursuant to NRS 107.082 if a foreclosure "sale has been postponed by oral proclamation three times, any new sale information must be provided by notice as provided in NRS 107.080." NRS 107.080 (as revised by Nevada Assembly Bill 149 effective July 1, 2009) requires Secured Creditor to provide Debtors a notice of election to enter into court mandated mediation.

WHEREFORE, Debtors request:

1. WELLS FARGO BANK NA's Motion be denied or, in the alternative, that Creditor's motion be continued for a sufficient amount of time to permit Debtors and Creditor to enter into a loan modification agreement; and/or

2. In the event Your Honor grants relief from stay, that Secured Creditor be required to renotice its foreclosure proceeding pursuant to Revised NRS 107.080 (as effective through Nevada AB 149, July 1, 2009), thus providing the Debtors an opportunity to elect court mandated mediation in State Court.
3. Such other relief as the Court finds appropriate.

Dated: April 19, 2011

/s/ David Krieger, Esq.
Attorney for Debtors(s)

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CERTIFICATE OF MAILING RE:
DEBTORS' OPPOSITION TO MOTION FOR
RELIEF FROM AUTOMATIC STAY

I hereby certify that on April 19, 2011, I mailed a true and correct copy, first class mail, postage prepaid, of the above listed document to the following:

/s/George Haines, Esq.
Attorney for Debtors

Gregory Wilde, Esq.
Tiffany & Bosco
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